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GIVEN BY

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MR. PALFREY'S SPEECH.

On the 26th of February, 1849, the Committee of the Whole House on the state of the Union (Mr. VINTON in the Chair) having under consideration the Bill reported by the Committee on the Territories to establish a Territorial Government for Upper California, Mr. PALFREY spoke as follows:

Mr. CHAIRMAN,—I attempted to obtain the floor at an earlier hour, on the conclusion of the remarks of the honorable gentleman from North Carolina, [Mr. VENABLE.] The Chair very properly assigned it to another. It is perhaps fortunate for me that I get a hearing later in the evening. I am not sorry that there has been a lull. The quiet and pacific tenor of the remarks which I propose to submit, would have been ill in accord with the rather tumultuous pitch to which the belligerent tone—the drums, trumpets, and thunder—of the gentleman from North Carolina, had excited the minds of the Committee.

Sir, we have at length reached a point, which, for three years past, has with good reason been looked forward to as a critical one in the fortunes of this nation. The immediate cause of that series of transactions, at the sad conclusion of which we now find ourselves, was the unconstitutional and disastrous annexation of Texas,—a measure avowedly conceived and carried out, for the further confirmation of that despotic Slave Power, which has ruled this nation with a constantly growing oppressiveness for half a century. In the further development of events, war was declared against Mexico by an overwhelming majority of this House. Of the fourteen patriotic men who recorded their names against that enormous measure, thank God, all but one-half were from the old Bay State! It was from the beginning a war of invasion and conquest. Nobody dreamed that the ten millions of dollars and the fifty thousand volunteers were placed at the President's disposal for the rescue of General Taylor and his brave little army. Everybody knew that the reinforcement could not be put in motion in season for that object, and that if it could, the force was wholly disproportionate to the occasion. A levy of ten millions of money and fifty thousand troops meant no less than massacre and rapine on a grand scale, to end, as the prime movers in the plot intended and expected, in the extension of slavery over vast conquered regions.

The bitter fruits of brilliant victory are now before us. Freedom is threatened with another heavy blow. The great question on the minds of men, in and out of this Capitol, since this Congress came together, has been the question whether the Free Soil thus secured shall be kept free, or handed over to the uses of slavery.

A strong feeling on this subject has manifested itself in the Free States, and in some parts of them a stubborn determination to prevent the meditated wrong. On the other part, the most skilful tactics have been here put in operation, and the most novel and extraordinary doctrines advanced. Throughout the last session, I think the principal stress was laid on an argument, which,—owing, very likely, to my ignorance of previous Congressional proceedings,—struck me with surprise when I first heard it announced here; the argument, namely, that slaves are regarded by the Constitution of the United States as on the same footing with any other property; that that Constitution, operating on the Territories, would protect the proprietor in his possession of them as much as in the possession of his money or his cattle; and that accordingly there is no power in or under this Government to exclude Slavery from the Territories. If my memory serves me, this doctrine was first introduced here by two gentlemen from Alabama, [Mr. GAYLE and Mr. HILLIARD.] Why, sir, to me it was enough that in the Ordinance of '87, ratified under the Federal Constitution in '89, that question had been settled by our fathers, the framers of that Constitution, while as yet the domain of our ingenious young sister in the South-West was partly a province of the King of Spain, and partly an Indian hunting ground. If precedents can ever establish any thing, the true doctrine on this subject has been established, past any danger of disturbance, by a long series of precedents beginning sixty years ago, dating from the very birth of the Republic. The paradox, however, has been thought worthy of refutation. It has received its deathblow at much stronger hands than mine. After the able manner in which it has been treated, in particular by an eminent Senator [Mr. DIX], by two of my distinguished colleagues [Mr. HUDSON and Mr. MANN], and at the close of the last session, by the eloquent gentleman from Georgia, [Mr. STEVENS], it would be assumption in me to pretend to renew that controversy.

Yet there is one point to which I do not remember that distinct reference has been made. The champions of the *Alabamian* theory,—if I may so name it to save words,—maintained that when the constitution gave authority to Congress "to make all needful rules and regulations respecting the territory of the United States," it designed to give to Congress power over territory as consisting of public lands,—power to take measures for its exploration, survey, sale, and occupation. Now, without assenting for a moment to the correctness of this

postulate, I conceive that even this power would involve the power which we claim for the prohibition of slavery. In even this capacity of Trustee of the public lands, Congress would not discharge its duty if it did not put and keep them in the best condition for the most profitable occupation, sale, and use. If there were no stronger reason, Congress would be bound for this reason to forbid slavery to set its foot within them. Would Congress do its duty by them as mere guardian and trustee, if it should admit within them a class of colonists who had a "peculiar institution" of breeding rattlesnakes, or a "peculiar institution" by which they set fire every other year to their neighbor's standing corn? Before God, I believe that the territories would be less hurtfully dealt with by having their harvest fields burned over every second year than by having slavery introduced within their borders.

The natural and obvious way of giving a government to California and New Mexico would have been to follow the precedents of the territories north-west of the Ohio, and the more recent precedent of the Oregon Bill. But to escape the force of the wholesome anti-slavery provision therein contained, we have seen all sorts of indirections successively devised with an ingenuity and pertinacity well worthy of a better cause. Last session the *Clayton Compromise*, so called, found favor enough with the other branch to mature it for receiving its quietus from our hands by being immediately laid on the table without debate; unexpectedly, perhaps, there was found public virtue enough here to strangle the newly hatched viper before it had time to draw a second breath in the Hall of the Representatives of freemen. The old *Missouri Compromise* has been talked of occasionally, as what the champions of slavery may, by and by, be willing to accept, when they find they can do no better; but it has not yet been found to be regarded with sufficient favor on the other side, to authorise a distinct proposal of the plan. There was the project so much extolled on the one side, and so much berated on the other, in the late Presidential canvass, for allowing the inhabitants of the territories themselves to settle the question—in other words, allowing the first few thousands who might chance to emigrate, to establish an organic law for the hundreds of thousands, who should follow, and determine a vast issue, vitally affecting the political condition and safety of the millions of us who should remain at our homes.

Then there are the schemes—all amounting to about the same thing as the last—of the Senator from Illinois (Mr. DOUGLAS) and the gentleman from Alabama (Mr. HILLIARD) for erecting the territories forthwith into States, so that, uncontrolled by the general government, they may permit or exclude slavery, according to their own discretion, or rather, according to the will of the new citizens from the south, who would crowd into them with the view of determining their policy. The gentleman from Virginia, [Mr. PRESTON] improving on this project, and proposing to form but one State of the whole territory, finds no difficulty in the fact that his State will have an extent of between five and six hundred* thousand square miles, and that its population, so suitable, from its compactness, as well as from its acquaintance with the rights and duties of American citizens, to carry on a government, might, for every three square miles, have about one inhabitant. And now, if report says true — for I must take care not to be unparliamentary — an expectation is entertained in another part of this Capitol, of defeating the purpose of the free North by an appendage to the Civil and Diplomatic Appropriation Bill. It is said that that irregularity, always most objectionable, but of which, it is true, there are examples, of inserting other matter in a money bill (which ought to be confined to putting the Treasury in the possession of means to meet claims previously authorized by law) is now to be carried to an extent altogether unparalleled and outrageous. It is said that there is a plan of this kind on foot [Mr. Senator WALKER'S amendment to the Appropriation Bill] to surrender to slavery, by surrendering to Texas, all the territory of New Mexico east of the Rio Grande; to establish a territorial government over the rest of the newly-acquired provinces, without any restriction like that of the ordinance of '87; to invest the President with almost unlimited power therein, legislative and judicial, as well as executive; and, by providing for the protection of the coastwise slave trade, to give slavery a secure footing on the soil.

All these contrivances tend to one and the same object. It is, to introduce slavery into the newly acquired territory, and so to fortify and perpetuate the slavery element in the administration of the government of this country. Warned equally by past experience and by the anxiety which we now see manifested and the artifices practiced to bring about this result, we, on the other hand, who stand for the rights of freedom, can be content with no evasions, no silence, no ambiguities, no postponements. We can be satisfied with nothing but positive legal prohibition of slavery, after the manner of our ancestors in the better days of the republic. With any thing short of that we know full well that when it is too late we shall find ourselves circumvented and baffled as we have so often been before.

I cannot be expected so much as to glance at all the topics of argument which have been presented in this long discussion. I shall but ask the attention of the Committee to two or three of those which have been made most prominent.

We have been told, over and over again, that slavery is a *local institution*, with which we of the Free States have nothing to do. Sir, have we nothing to do with the government under which we live? Is it no concern of ours who constitute that government? Is it none of our business what shall be the policy of its administration? These territories are in the course of time to become States, and in whatsoever State slavery exists, however small the minority of slaveholders as compared with their non-slaveholding fellow citizens, from that State, — so insidious is the working of the system, — you may be all but sure that the Representatives sent to both branches of the National Congress will be slaveholders themselves, or if, in rare cases, not so, will at least be representatives of the interests of slavery. There may be occasional exceptions. I trust that, in future, there will be not a few. But the rule is undoubtedly as I have stated it. Admit slavery within these territories now, and they will by and by be

* 526,000 square miles, exclusive of the country claimed by Texas east of the Rio Grande.

slave States, represented by slaveholders in the Senate of the Union, and helping to uphold in that branch that same course of *caste* legislation, which has long excited so much reasonable discontent, and which has done so much to arouse the feeling of the present day. Admit slavery within them, and by an altogether unanticipated extension of the great compromise of the Constitution, you promote the free citizen of New Mexico and California to a degree of power not possessed by the citizen of the Free States in the constitution of this body, and in the election of the Chief Executive Magistrate. For reasons deemed sufficient, it was agreed that there should be a representation here of three fifths of a population who have no political rights, and whose vote is given by their masters, so that if, under the present ratio of representation, there should be a district in this country with a population consisting of ten thousand free people and a hundred thousand slaves, the ten thousand freemen in that district would have as much weight in the councils of the nation as seventy thousand freemen in my district, or in any other of the free States of the North. And accordingly it has come to pass that the State of South Carolina, with a free population not so great as that of the State of New Hampshire or Connecticut, and not three quarters as great as the city of New York, has seven Representatives on this floor, while New Hampshire, Connecticut, and New York city have but four each. This was so nominated in the bond, and we submit to it without complaint, though not without a sense of the hardship. But now you propose to us to agree, — or rather you say it shall be, whether we agree or not, — that this singular, and, on all abstract grounds, indefensible arrangement, having no force nor reason of any kind beyond the limits within which it was originally applied, shall be extended to other communities, whose power, exerted in this way, is to be brought into the direction of our national affairs. No, sir, we can agree, and we can submit, to no such thing. Except so far as we have compromised away our rights, we must insist on still having them. We must insist that no section of this country shall have such a political precedency over another. We must insist that a freeman in Massachusetts shall weigh for as much in the political scale as a freeman at Santa Fe or San Francisco. We cannot consent so to settle our conquered provinces that a freeman in them, because he owns (as it is called,) five slaves, shall, in the administration of the government which is over us both, have four votes where we have but one. This was not the entertainment to which the Constitution of our fathers invited us. What we have stipulated to do, in the surrender of our natural rights, we will do,—sorrowfully, it may be, but faithfully. Beyond that line, it is idle to expect us to go.

So much, and more of the same kind, have we of the Free States to do with the introduction of Slavery into California and New Mexico, if we stay at home. But suppose we wish to visit those regions. If we keep them free, we can go thither with the full privilege of speaking and publishing our mind on all matters of interest whatsoever. If we have allowed slavery to go thither first, we must go to a suspension of our much valued freedom of speech, and freedom of the press, as far as the great question of the age is concerned. We shall not then be able to speak or print respecting slavery there, except at the extreme peril of life and limb. With part of us it will fare worse yet. If we allow slavery to get into these provinces, part of our number must give up the idea of going thither on any terms,—to be ever so silent, or ever so submissive. The men and women of South Carolina come to Massachusetts, and we welcome them to our simple hospitality. We treat them as well as we know how; if it is not very well, their magnanimity will pardon something to the scantiness of our means, and the homeliness of our breeding. Men and women of Massachusetts go to South Carolina; they are taken from the ships before landing,—they are imprisoned, they are scourged, they are sold, they and theirs into life-long bondage. Admit slavery into California, and California, as to this matter, will become for us another Carolina. When the acquisition of it from Mexico was talked of as a desirable thing, we of New England were addressed with the argument of what a convenience a few ports in the north Pacific would be to our whale-ships. They would be a convenience, or not, according to circumstances. I think I have understood my friend and colleague [Mr. GRINNELL] to say that there are not fewer than fifteen hundred colored seamen in the whale ships from his District, and among them are some mates and even masters, of vessels. It is rather too much to expect of them, or of us, to consent to the establishment of such a government in California, that they would have to meet at San Francisco the reception which now awaits them at Charleston. I think we shall hardly agree so to settle those territories that our State agents shall be driven from them as from Carolina, or that in them, as in Carolina, we shall be despoiled of our right of hearing in the Federal Courts.

But, suppose we want not only to visit, but to emigrate; what then? Sir, gentlemen from the South talk of our excluding them from the territories, by excluding slavery. The truth is, they would exclude us, if they should be allowed to introduce it. They speak of our designing to dispossess them of their share in the common property; their plan would absolutely defraud us of ours. Let slavery get a footing on the land, and we could not go thither; that is, we could not go, remaining such persons as we are; we could not go, retaining our identity. In what capacity should we go? Should we go to join the class of slaveholders? Mr. Chairman, let large allowance be made for influences acting on the minds of men born or educated in the midst of slavery, and by long familiarity blinded to its character. So much as that is required by liberality—nay, by justice. But, as to the different case I am supposing, there are thousands in the free North who would say,—that a son of ours, born of a New England mother, nourished at a New England bosom, baptized in a New England church, bred at a New England school, that he should go from a New England home to be a buyer and seller of men and women; —there are thousands, yes, tens, hundreds of thousands, who would say, let us follow him to his grave first!

Shall we, then, and our sons and brothers, when slavery has been established in California and New Mexico, go thither to be non-slaveholders? That

would be to lose our identity just as much. That would be to abandon the character of the independent, well-informed, self-respecting yeoman as we see him in the North, for that of the very different specimen of humanity known as the *mean white man*, the *poor buckra*, in the Southern States. The laboring man of New England is any man's equal. His occupation is esteemed honorable. His mind is instructed. His sober, methodical, industrious habits are such as sustain self-respect, and claim respect from others. While the estimation in which his employment is held and the compensation which remunerates it give him enough for contentment, there is no public elevation to which he may not aspire for himself and his. The public offers to his children an education,—not as a boon, but as their birth-right,—such as enables them to start from the same level as the richest in the race for the high prizes of society. Will you ask such a man to cast in his lot with the poor, shiftless, lazy, uninstructed, cowed non-slaveholder of the South? a character, I am far from saying universal with that class of men,—for there are happy natures which are able to rise above disadvantages of position,—but far too common for our people to take the chance of falling into it. Will you propose to our Northern laboring farmer or mechanic to emigrate to a region of which you have told the whole story when you have said, that because slavery exists there, labor cannot be honorable, and there can be no Common Schools? No, sir; let not gentlemen say that we are designing to banish them from these territories. It is we whom they propose to banish. We and ours have a right to find new homes there, if we will. But it is utterly to deprive us of that right to say that, in order to do so, we must convert ourselves from what we are into slaveholders, or else into that only other class of white men who can live by the slaveholder's side. We can do neither the one nor the other. If we and ours incline to emigrate, we must do it, being what we are. The right is ours, and we cannot consent to have it embarrassed with conditions which would make it wholly worthless, and the same as if it were not.

Again, gentlemen are fond of charging us with raising *a sectional question*. They say that we are pressing a controversy between North and South, and they undertake to rebuke us in the words of the Father of the Country in his Farewell Address. This charge of exciting sectional divisions makes the great staple of not a few speeches which I have heard in this House, and it colors the whole tissue of the two famous Addresses recently put forth from the secret nightly conclave in this Capitol. Sir, I deny utterly the correctness of this representation. So far as I am concerned, the abettors of Slavery shall have no advantage from a statement so entirely unfounded in point of fact. This is no question between the North and the South. It is a question between a comparatively small number of slaveholders living in the South on the one side, and, on the other, the vast majority of American freemen who hold no slaves, living both at the South and the North. Who are these gentlemen that assume to put themselves in the place of the Southern section of the United States, and to say, when they cannot have their way, that the South is assailed? Do they constitute the whole population of the South, that they pretend thus to identify themselves with it? Do they constitute the greatest part of it? How many are there? The whole number of the free white population South of Mason and Dixon's line, in 1840, was 4,809,187; the whole number of slaveholders among them cannot possibly exceed 300,000. With what face does such a mere fraction of a population undertake to speak for the whole, and to complain that a sectional question is moved, when only the encroachments of one limited interest within that section are resisted? No, Sir, the slaveholders of the South are not the South. Far from it. And not only are they not the South, but they represent an interest absolutely antagonistic and hostile to the interest and welfare of that large majority of the citizens of the South, that do not hold slaves,—an interest altogether more opposed to the well-being of Southern non-slaveholders, than to the well-being of citizens of the Northern States. We of the North have great reason to complain of slavery. It has done and does us great and grievous injustice. But it does not control our State governments, and to that extent make us its slaves. It does not, by its presence among us, make our honest industry disreputable. It does not strike the bread of knowledge from our lips. All this it does for the Southern non-slaveholder. And yet when we undertake to resist some new impudent pretension which it puts forth, we are to be complained of as raising a sectional question, and encroaching on the South, a vast majority of whose citizens are far more wronged by it than ourselves.

No, sir, I repeat it; this is no question between North and South. It is a question simply between the friends of Slavery and the friends of Liberty, South as well as North. The Southern non-slaveholders belong of right to our party,—the party of the free. That is their natural position, and they are on their way to find it. The same abominable power which annoys us and insults humanity, grinds them in the dust. They are about to understand this, unless promising signs deceive. And when they do, and have learned to speak for themselves, we shall see how long it will be that slaveholders will continue to call themselves the *South*.

And before leaving this topic, I will venture to appeal to the generosity and justice of gentlemen from the South to help us keep these territories free from Slavery, out of regard to the interests of their own constituents, little as they may care about the interests and wishes of ours. Gentlemen, many of your fellow-citizens love Slavery. They have plenty of room to enjoy it in the States which you represent. Let them stay there and enjoy it, to their full content. Others do not love Slavery, but they love Southern habits of life in other respects, and a Southern climate. Here you have an opportunity to consult their welfare, at the same time that you allow us our rights. Here, if you will but permit it, your kindred and neighbors may build new homes beneath a Southern sky, with every thing Southern about them except only that feature of Southern life which now disturbs and harms them. Keep such an asylum open, and numbers of your compatriots, increasing year by year, will thank you for your provident care. I presume you know,—for I do, with less opportunities than yours,—of slaveholders, who long to escape from slavery, to get out of the reach of

sight and hearing of its woes, to rear their children beyond the influence of its blight, but to whom the change of climate, and of habits incident to climate, would involve so great a sacrifice as to forbid their transferring themselves to a Northern home. Do not insist on closing against such the gates of the welcome City of Refuge which awaits them in these fair territories. How large this class may be now, I do not know. But I have no doubt that it is to be a pretty rapidly increasing one, and accordingly as you deal justly or wrongfully by them in this matter, you will be in the way before long of hearing pretty loud commendation or complaints from quarters to which you will not be indifferent.

But, if this is the case with some of your slaveholding neighbors, the number of your non-slaveholding constituents, for whom you are bound to make this provision, is far greater. The gentleman from North Carolina [Mr. CLINGMAN] told us last winter, that "a very large proportion of the emigration of the old Southern States goes into the free States of the Northwest," and he added, that he had observed this to be "eminently true of the North Carolina emigrants." This unquestionable tendency is illustrated by the facts relating to the locations of land warrants for services in the late war, as presented in the recent Report of the War Department. It appears, that of about 12,000 warrants taken out, only 1,700 were for locations in the Slave States. Undoubtedly the proportion of Southern troops entitled to those warrants was far greater than that of 1,750 to 12,000. Gentlemen, what do you understand this to mean? The way I understand it is this—that a large proportion of your own constituents, when they seek a new home, want to find one which the plague of slavery will not infest. They want to go where the food of the intellect and of the soul is within reach; where they may claim for themselves and theirs the rights of their manhood unabridged; where an idle despotism is not the condition of honor, nor toil confounded with servitude, nor industrious usefulness a badge of disgrace. But to do this, they must now betake themselves to the hardships of unaccustomed modes of life, and to the rigor of a Northern sky. Gentlemen, might it not be worth your while to have some consideration for their case? Might it not be well for you to permit them to occupy those congenial abodes on conditions such as they desire? What rights have you there, that these constituents of yours have not as much, and more? Is it not a very reasonable claim of theirs, that in these regions unexpectedly opened to their occupation you should permit them to enjoy at once the luxurious climate to which they have been used, and the free institutions which they deem essential to their welfare? Will you do well, to take it upon you to resist that claim?

Mr. Chairman, we have become quite used to being threatened that if we persist in asserting the rights of freedom in the government of this country, we shall be defeated and punished by an overthrow of the Constitution and a *dissolution of the Union*. I do not propose to enter largely into that subject. Gentlemen will not be surprised to hear me say that we listen to such forebodings with utter incredulity. At another period when the same rhetoric was rife, and when our institutions were far less consolidated than now, Mr. Jefferson very wisely said, "I do not believe there is a government on earth established on so immoveable a basis. Let them in any State, even in Massachusetts itself, raise the standard of separation, and its citizens will rise in a mass, and do justice to themselves on their own incendiaries." As long ago as 1835, in an article re-produced in a late famous Address, it was announced by the Charleston newspaper organ of Mr. Calhoun, who has the unfortunate eminence in the popular mind of being the source of these so often abortive movements, that if "the Legislatures of Pennsylvania, Massachusetts, and New York should adjourn without passing laws for the suppression of the abolition societies," that would be "the proper time for a Convention of the slaveholding States," to "embody and make known the sentiments of the whole South, and contain the distinct annunciation of our fixed and unalterable determination to obtain the redress of our grievances, be the consequences what they may." The article was entitled, as usual, "The Crisis"; but the crisis passed harmlessly away. The Legislatures adjourned without enacting any such laws, but the threatened Convention never met; and fourteen years have since come and gone, with the Union as unbroken as ever. Those fourteen years have not only witnessed no disruption, nor even serious symptoms of such a calamity, but they have wrought out a softened and more enlightened tone of public sentiment, South as well as North. Why, Sir, what better proof do we need of this, than the miserable failure of the late attempt made in this Capitol, to marshal a force for treason, and overawe the deliberations of this Hall? It came to nothing under the coldness and the frowns of the patriotic Southern men who had been counted on to sustain it. I read in the newspapers that the honorable gentleman from Kentucky near me [Mr. MOREHEAD], when asked what he would do if the Wilmot Proviso should become a law for the new provinces, replied that his arm should wither from its socket, before he would lift it against the Union of the states. I know nothing of the truth of that story, but I believe it, because it is in accordance with what I have observed of that gentleman's excellent head and heart. A published letter has just reached us from the centre of Louisiana, signed by a citizen of eminence in that State, [Mr. R. B. Brashear,] himself a slaveholder, and as I understand, a delegate to the Convention at Philadelphia which nominated the President elect. In a course of most judicious and patriotic remarks on the great question of the day—remarks, altogether appropriate, I will not say to a Northern, but to an American freeman,—the writer asks, "with what face can we propose to our Northern brethren the extension of this political evil and this moral wrong over new territory?" "As a Southerner," he says, "I disavow the choice which these self-elected representatives of Southern opinion have promulgated as ours; as a patriot I reprobate their course, and prefer the enfranchisement of the soil of California to this avowed of a want of attachment to the Union being accepted by our brethren of the North as the reflex of Southern sentiment." And referring to the language, "'The South will accept' of this, or else the bayonet,—'the South is willing' for that, or else the bayonet," he adds, "For the South I repudiate it utterly, totally, and look upon its authors as *mad*, if heated by heartless assaults,

as traitors if cool and deliberate." Can such indications—I will not multiply them, though I might—be mistaken? No; the leaders in the politics of the slave States would not dissolve the Union, if they could. Whatever might be the passions and the temerity of some of them, they would be overruled by the better judgment and temper of the rest. They could not do it, if they would. I speak not of any coercion on our part. We should not have to raise a regiment, or equip a ship. We should only have to leave them to the care of their own fellow-citizens. In common times, from the force of habit and other obvious causes, the great non-slaveholding majority of freemen in the slave States are willing to be led by their richer and better educated neighbors, and even to act upon the prejudices, jealousies, and passions which these instill. But let a question of the overthrow of our constitution of government seriously break out, and the charm would presently be broken. The agitation of that question would speedily enlighten the non-slaveholder as to his position, his interest, and his rights. In a very short time he would be prepared to say,—If you tell us that your slave property and the Federal Union cannot subsist together, and that therefore the Union must be broken up, we can only say that, if we must admit your fact, we come to a different conclusion; if it be so, we will have no slavery among us; the Union must be kept harmless, at all events. And a non-slaveholding majority at the polls of six to one would settle that question very decidedly and very peaceably. The issue would probably be somewhat delayed, but violent measures would have to wait for it; discussion—the discussion which seditious movements would draw out—would help it on rapidly; and come before long it would.

Mr. Chairman, there has crept of late into this discussion a style of remark, which I cannot think will be found to afford any valuable illustration to an argument of such strictly practical and present importance. Gentlemen incline to invite us to the investigation of historical problems, and seem to imagine that if they can point out some fault in our ancestors, they do something towards refuting our reasonings, and barring our claim for our rights. The gentleman from Virginia, [Mr. Bedinger,] the same who was pleased to refer to me as "the Anacharsis Cloots of the present day," spoke of Massachusetts,—in the use of a somewhat violent hyperbole,—as the State where "witches, and Indians, and Quakers, and Catholics, and other such heretics, were 'in the brave days of old,' burned literally by the cord;"—a violent hyperbole, I venture to call it, inasmuch as, to say nothing of burnings "literally by the cord," no heretic or other obnoxious person, of the descriptions specified, or of any other, was ever burned in Massachusetts. It is sadly true that two Quakers and several reputed witches were executed in that colony, and that other Quakers were very harshly treated for what was esteemed disturbance of the peace of the jurisdiction, and for returning after having been banished from it. The superstition of witchcraft was the dismal error of the times, and our ancestors, not being wiser than the wisest of their contemporaries, on either side of the water, had their full share in the delusion. Does the gentleman from Virginia suppose that, if he had lived in the seventeenth century, he would have seen deeper into things than Sir Edward Coke and Sir Matthew Hale? His modesty, I am sure, would forbid the thought. Yet those sages of the law held the same doctrine on the same subject of witchcraft as the Massachusetts fathers, and expounded and administered it in the Court of the King's Bench. And let me tell the gentleman that in that awfully dark passage of our early history, all is not darkness. In one view it appears lighted up with a lurid indeed but with a majestic blaze. If this witchcraft madness has left a peculiar blot upon the history of Massachusetts, it is because of this great difference between her people and that of other communities whose annals bear no such stain; viz: that what both alike professed to believe, the former more consistently and honestly acted out. Deplore as we may the grievous infatuation, still more even than we lament and condemn that, we find cause to applaud the brave and constant spirit that would never quail before the awful delusion that possessed it. It was no less than the powers of darkness that these men believed to be in arms against them. And they did not shrink even from the contest; they feared neither man nor the devil they feared nothing but God. They imagined the Prince of Hell, with his legions, to be among them "the sacramental host of God's elect," seeking among them whom he might devour; and they gave place to him for subjection, no, not for an hour. Set upon by invisible and supernatural foes they thought of nothing but stern defiance, deadly battle, and the victory which God would give his people. They would have made bare the arm of flesh against the Serpent in bodily presence, could he have put on an assailable shape. As it was they let it fall without mercy on those whom they understood to be his emissaries.*

I deplore with the gentleman the severities practiced on the Quakers, though he is mistaken in supposing that they were "burned by the cord," or that they were burned at all. I defend no bigotry in any men or in any age. But undoubtedly some difference must be allowed to exist between the orderly, industrious Quaker philanthropist of the present day, and the madman of two centuries ago with whom the Massachusetts colonists had to deal; and perhaps the duty of toleration, comprehensive though it be, stops somewhere short of allowing men and women, for conscience sake, to run, as naked as they were born, through the streets and into the churches; or, at all events does not require the permitting of people to gain a name like Abraham's by sacrificing their own sons as one of the Quakers, in 1658, was proceeding to do, when his neighbors, alarmed by the boy's cries, broke into the house in time to rescue him. When the Quakers found out the Massachusetts people in their distant hiding place from the storm,—the "outside of the world," as they called it—they contented themselves with merely sending them back by the vessels which had brought them, thinking that both might live more satisfactorily, if they lived apart. The Quakers returned, and were sent away a second time. A third time they came. Severer penalties were then resorted to. They were such as did not touch life, but they were too harsh

* The train of thought and part of the language here are the same as in a passage of a Semi-centennial Discourse delivered by the speaker, in 1844, before the Massachusetts Historical Society.

to carry the public opinion along with them, and recourse was again had to a removal of the offensive visitants out of the jurisdiction. It failed, and at length, by the majority of a single voice, the General Court passed that law denouncing the punishment of death against Quakers *returned from banishment*, which has had its chief life in history, for it was repealed almost as soon as enacted. The whole contest, from first to last, continued about four years, when a more humane policy, never since disturbed, possessed itself of the public councils.

And possibly there is another view of this subject of the religious intolerance of the Massachusetts fathers, to which the attention of the gentleman from Virginia may not have been carefully directed. Without doubt he remembers the record of Lord Clarendon that the Royal Commissioners, sent out in 1664, found the northern colonies already "hardened into republics." They had been a short time hardening. What hardened them so fast? Perhaps few things more than the jealous and rigid pertinacity with which they adhered to their theory of exclusion from political fellowship of all who might have used such power to strangle their embryo Commonwealth. It will not do to look upon the Massachusetts fathers as a set of heady zealots, careful only to have their own way in religion without regard to consequences, and that way not a very wise one. There were cool and far-sighted statesmen at the helm. King or Protector to the contrary notwithstanding, they meant to have a republic; and they had it virtually from the first, exercising with the utmost freedom all attributes of sovereignty, though avoiding all ostentation of it with the utmost address. They were not so unfit for their delicate work, as to be willing to commit power to any who would have used it to obstruct their object, or even who would not sympathize with them in hearty zeal for its accomplishment. They meant that no man attached to the monarchy of England through attachment to its Church (whether that should turn out to be Papal or Episcopal) should have a particle of power to annoy them in the prosecution of their great work; and therefore if such a man was to live among them at all, they would have him the subject, not the sharer, of *their* government. Dexterity as well as nerve was required to play so critical a game, and little fit would they have been to win it, if they had volunteered to show their hands to his Majesty's Privy Council. To exclude or keep down churchmen, and at the same time dispense from the like disabilities others who were equally dissenters from their own doctrine and rule, would have been to deprive their act of all color, even if otherwise it would have perfectly answered their end. Taking advantage of their reputation abroad for acting under impulses which observers less sagacious than themselves supposed to be the only ones that had power over their minds, they cut off indiscriminately those who did not love their creeds from all participation in their government, and were quite willing that others should be stupid enough to ascribe to a stupid bigotry of theirs a system of administration, which, had it been seen to be prompted, as in part, at least, it appears to have been, by the profoundest policy, would have brought down on them too soon the hard and heavy hand of England. So they had their own way, without any one in their own circle to mar it. So they consolidated their institutions, till, by the time when the second generation came forward, they had "hardened into republics." So they kept up and bequeathed the intense and constant spirit they had brought with them. So they stood quietly by their arms, to watch the signs of the times, and do what, from one time to another, might be needful for the keeping of the treasure they had no mind to part with. So they were ready to depose and imprison a king's governor, as they actually did in Boston, in 1688; and, if matters had then gone otherwise in England, they might possibly have antedated the Revolution by nearly a century. So they built firm the foundation of the Commonwealths which at length did the part of New England in the war of Independence. Blot the franchise laws and the rest of this intolerant legislation of the Massachusetts colonists out of history—open the door for the emissaries of Stafford and Laud into the council chambers of the New England Puritans,—and possibly the other colonies might have had to wait somewhat longer for their independence; possibly at this time the history, not only of one continent, but of both, might not have read as it now reads. †

Three days ago, Mr. Chairman, we heard another strain from the Ancient Dominion, unlike to that on which I have now been slightly commenting. I listened with the delight which such graceful eloquence has the power to give, and certainly not without my share of the emotion which was stirred in every hearer. I trust that it was not a mere transient pleasure, but that I was warmed with something of the patriotic spirit which the gentleman [Mr. McDowell,] so powerfully exhorted us to cultivate. So far as that effect was produced, I shall be only the better qualified to sustain those views of the public well-being and honor of which I have occasionally come forward here as the very humble advocate. Admiring the elevated and generous tone of many of that gentleman's remarks, there were yet some things I could have wished otherwise,—independent of his argument on the particular question now in hand, which of course did not satisfy me. I cannot specify them as I would, the speech not having yet appeared in print, and the immediate excitement of the pleasure it afforded having been such as to prevent a careful weighing,—still more, a clear remembrance,—of its reasonings and language. One remark in particular fell on my ear as a discord in the general harmony of its praiseworthy tone of sentiment. I think the gentleman presented some antithesis such as this,—that the people to whom I belong managed to make a pecuniary capital out of slavery in former times, and political capital now. Sir, there are those who could teach the gentleman somewhat to qualify his views about uncompromising hostility to Slavery being a sure way to lay up "political capital." And as to the pecuniary capital" supposed to have been made by Massachusetts from slavery a hundred years ago, I will say no more than that, while at that period she was perhaps not much wiser on this subject than her neighbors, one thing she has always done;—she has always held her eyes wide open to the light; she has always greeted new truth, and promptly adopted

† The same view of this subject was presented in an article furnished by the speaker, in 1837, to the North American Review.

and acted on it when made known. Can Virginia say as much? Will the gentleman affirm it of her? And will he sustain the assertion by a comparison of what she now is with what she was when she helped to win the Independence and establish the Constitution of these States?

The gentleman thinks that Virginia laid Massachusetts under an obligation of gratitude and affection by her sympathy and aid in the disastrous time of the Boston Port Bill. I think she did, and that the debt is mutual, at least. Does the gentleman suppose that the distresses incurred by Massachusetts at the period of which he speaks were solely for objects of her own, or that the exertions made by Virginia and others of her sister colonies, —whether regarded as made in her behalf, or for the common cause, for which she was standing the foremost champion,—were any thing more than mitigations of her woe? When James Otis argued in the Old State House against the Writs of Assistance, and "then and there," according to John Adams, "the child Independence was born," for whom was that birth,—for Massachusetts or for America? When from her Faneuil Hall and the meetings of her village democracies the gauntlet was thrown down to the tremendous power of England, was Massachusetts alone in the prospect of advantage from that strife, or only most forward in its perils? When the vindictive "Port Bill," to which the gentleman referred took effect, was it some Virginian city, or was it Boston, the chief mart of the continent, that saw its prosperity made desolation, and the grass springing in its streets? And if Massachusetts did incur a debt for the sympathy and succors which, as the gentleman correctly states, she then received, I think she paid some instalments of it when she bore the first furious brunt of the battle on her own soil,—when she sent nearly one soldier in every three to the armies of the Revolution, furnishing more troops than all the six Slave States put together in the proportion of more than eight to seven,—and when the excess of her payments into the common Treasury for the prosecution of the war, over and above what she drew from it, was greater than that of the aggregate of her twelve sister States.

The gentleman should be better acquainted than myself, Mr. Chairman, with the history of the great State which he represents. And yet I cannot entirely acquiesce in the distinction he has drawn—not original with him, I am aware—between the settlers of Virginia and of Massachusetts, as representatives respectively of the Cavaliers and Roundheads of the old country. I remember that Captain Smith, the man who saved the first company of Virginia planters from self-destruction, said of them, that "a great part were unruly sparks, packed off by their friends to escape worse destinies at home; many were poor gentlemen, broken tradesmen, rakes and libertines, footmen, and such others as were much fitter to spoil and ruin a Commonwealth, than to help to raise or maintain one." Sir, I am far from imagining that this is a matter of the slightest account at the present time. The founders of Rome have no very good repute in history, and we do not think the less of the heroes and sages of the great times of the sublime Republic, because of the equivocal character of the original fountains of their generous blood. But if we are summoned perforce to the school of the historic Muse, it is meet that we give heed to her lessons. And on the other hand—a thing now of equally little moment—not a few of the Roundhead Massachusetts founders were of the noble and the gentle blood of England. There were scholars from her great universities; in twenty years from the first settlement, there were as many graduates of Oxford and Cambridge in Massachusetts as in Old England, in proportion to the population. There were captains from the famous fields of Europe, courtiers from its capitals, delicate women from the luxury of its ancient feudal halls, "coming," as the contemporary chronicler said, "from a paradise of plenty and pleasure in the family of nobles, to a wilderness of wants." This is a matter now of just as little importance as the other: but when challenged about the past, even the ground of such conventionalities is not one which we of Massachusetts have the slightest reluctance to explore.

And, Sir, when the gentleman, calling up affecting reminiscences of the past, appealed to us of Massachusetts to be faithful to the obligations of patriotism, I repeat, that I trust his language fell profitably as well as pleasantly on my ear. He has reminded us of our stern but constant ancestry. I hope we shall be true to their great mission for Freedon and Right, and all the more true for having listened to his own impressive exhortation. The gentleman remembers the declaration of Hume that "it was to the Puritans that the people of England owed its liberties." May their race never desert that work, as long as any of it is left to do! Sir, as I come of a morning to my duties here, I am apt to stop before the picture in your Rotunda of the departure from Delft Haven of that vessel "freighted with the best hopes of the world," and refresh myself by looking in the faces of four ancestors of my own, depicted by the limner in the group on that dismal deck —the brave and prudent leader of the company, his head and knee bowed in prayer;—his faithful partner, blending in her mild but care-worn countenance, the expression of the wife, the parent, the exile, and the saint;—the young maiden and the youth, going out to the wide sea and the wide world, but already trained to masculine endurance and "perfect peace" by the precious faith of Christ. Not more steadfast than those forlorn wanderers were the men, who, in the tapestried chambers of England's great sway, with stout sword on thigh, and a stouter faith in the heart, and the ragged flags of Cressy, and Agincourt, and the Armada, above their heads,

> —"Sat with Bibles open, around the council board,
> And answered a king's missive, with a stern, 'Thus saith the Lord.'"

Not hardier were they, who in the iron squadrons of Fairfax and Cromwell, had many a hard trot on many a hot and dusty day, to get so much as a sight of the backs of those silk and velvet Cavaliers, of whom the eloquent gentleman discoursed with so much unction.

Sir, the spirit of that stubborn race, if somewhat softened by the change in manners and the lapse of time, is not yet extinct in their children. The gentleman is welcome, for me, to have very little respect for any who, in his language, have "made capital" of one kind or another out of human slavery. But I ask him, did the Roundhead ever flinch when battle was to be done for freedom? Sir, I live in the midst of the scenes of his last bloody struggle for that cause. Humble as I am, I am honored to represent the men who till the earliest battle fields of American Independence. As I sit in my door of a still summer evening, I hear the bells from Lexington Common. The shaft over the sacred ashes of Bunker Hill rises within three miles of my windows. I leave my home, and in an hour I stand by the ruined abutments of old Concord Bridge, and the green graves of the first two British victims in the hecatombs of the Revolution. Representing, however feebly, such a people in lineage and in office—warned by the lessons and the present monuments of such a history—is it for me to think of helping to extend the foul curse of slavery over another foot of God's fair earth? No; "here I stand; I can do no otherwise; may God help me."* I boast no courage; I fear I might turn out to be no better than a fearful man; but I do trust that every drop of thin blood in these old veins of mine, would be freely given to stain the scaffold, or boil and bubble at the stake, before, by any act of my doing, the slavery of my brother man should take another forward step on free American soil.

Mr. Chairman, the gentleman knows that the people of Virginia in her best days bitterly complained of the arbitrary course of the parent government, in fixing upon them this miserable institution against their will. Is he willing in this more enlightened nineteenth century—is he willing, as a legislator of this pattern Republic—to inflict the same cruelty on a people just beginning to be, and awaiting its destiny for ages at our harsh or merciful hands? Is he willing to bring on himself and us, the curse of the coming generations of that people to the end of time?

[Mr. Palfrey was proceeding to enlarge on this point, when the Chairman's hammer fell.

* Luther.

White & Potter, Printers, Spring Lane, Boston.